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			EXAMINER	
			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			06/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/878,456

Applicant(s)

NASH, EDGAR MASON

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,21 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 22-26 and 34-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the January 31, 2006. Claims 1-19 have been canceled. New claims 20-37 have been added. The office action mailed November 3, 2005 has been treated as non-final office action to reflect this indication on the Office Action Summary.

Specification

The substitute specification filed January 31, 2007 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it does not contain the statement as to a lack of new matter under 37 CFR 1.125 and the applicant does not provide a clean copy of the substitute specification reflecting the changes in the mark-up copy. The clean copy is a copy of the specification with the changes (described in the mark-up copy) incorporated.

Double Patenting

1. Claims 27 and 29 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 20. When two claims in an application are

duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

2. Applicant is advised that should claim 20 be found allowable, claims 27 and 29 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The preambles of claims are not consistent. In claim 20 and 21, the applicant recites "A portable artwork display means". However, in claims 22-26, the applicant claims "the light box means of claim 20". It is unclear if the claim is drawn to a portable artwork or a light box means.

6. With respect to claim 22, the examiner will consider favorable the phrase "A portion artwork display means of claim 20, wherein the light box means is formed of a rigid heat-tolerant material configured and coated to diffuse reflected light inwardly". Please make similar changes to claims 23-26, 28-37.

7. In claim 23, line 2, it is unclear if the "lightbox" is the same as the "lightbox means" recited in claim 1. The examiner will consider favorably if the applicant rewrote claim 23 as "The portable artwork display means of claim 20, wherein the light box means is strengthened and augmented by means of rigid reflective panel secured onto a back of the light box means.

8. In claim 25 the phrase "commercial light sources of any category or number or combination" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "of any category or number or combination"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

9. In claim 28, it is unclear if the claim is drawn to "a portable artwork display means" as recited in the preamble of independent claim 27 or to "artwork containment frame means" as recited in the preamble of claim 28.

10. In claim 28, it is clear what is meant by the phrase "accommodation for commercially-available light diffusing screens". It is unclear how the containment frame means "accommodates the diffusing screens".

11. In claim 28, line 6, it is unclear the "display platen means" is the same as the "display platen means" recited claim 8. The examiner will consider favorable the phrase "the display platen means".

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 20, 21, 27, 28, 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold, U. S. Patent 3,680,238. Arnold teaches an illuminated sign comprising a housing 47, a transparent layer 16, a display

layer 20, and a translucent diffuser layer 24. Arnold also teaches a plurality of lights 78 and 102 within the housing and vent holes at 62 and 63. In addition, Arnold teaches a tapered housing, wherein the cross-section of the housing decreases from front to back. (See figure 9).

Allowable Subject Matter

14. Claims 22-26 and 34-37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments filed May 19, 2006 have been fully considered but they are not persuasive.

16. The applicant argues "ARNOLD claims no method whatsoever for mounting/hanging/securing his device to any supporting structure, for there is not even a supporting screw or nail hole provided in any part of his sign display assemblies." Since the applicant does not claim a specific means for attaching the portable artwork display mean, the applicant arguments

are moot. In claim 21, the applicant claims, "the portable artwork display means is attachable to an artwork displaying device". The applicant does not claim structure to enable the display means to be attached to an "artwork displaying device". In addition, the applicant does not clearly indicate what disclosed element corresponds to the claimed artwork displaying device. The examiner maintains that the Arnold teaches the limitation of claims 20, 21, 27, 28, 29-33.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
June 10, 2007